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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/871,425 | 05/31/2001 | William Jia Liew | | 9270 |

7590 09/16/2004
Chunyan Tricia Liu OR William Liew
12 Mountain Ave
Montville, NJ 07045

EXAMINER

MIRZA, ADNAN M

| | |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2141

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 09/871,425 | Applicant(s) LIEW ET AL. | |
| | Examiner Adnan M Mirza | Art Unit 2141 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terreta et al (US 2001/0027491) and Logan et al (U.S. 5,721,827).

As per claim 1 Terreta disclosed a multimedia IP-data delivery system comprising: a plurality of IP ports connecting to the Internet; at least one media file server containing a plurality of media files; a plurality of clients connecting to said IP ports with each of said clients comprising: a downloading unit, a media data cache (Page. 3, Paragraph. 0023), a playing unit, wherein said downloading unit downloads said media files from said media file server at a downloading speed and stores said media files in said media data cache (Page. 5, Paragraph. 0043); said playing unit draws data of said media file from said media data cache and plays said media file at playing speed (Page. 5, Paragraph. 0042);

However Terreta did not disclose in detail said downloading unit and said playing unit are operated independently and said downloading speed can be different than said playing speed.

Art Unit: 2141

In the same field of endeavor Logan disclosed the player further includes a conventional high speed data modem for receiving downloading the program information from the remote server and for transmitting program selections and preferences as well as usage data in the file to the server (col. 4, lines 3-8). As indicate at 215, a session usage log is recorded during the playback session to identify every segment actually played, the volume and speed at which that segment was played, and start and end times (col. 7, lines 41-45).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated the player further includes a conventional high speed data modem for receiving downloading the program information from the remote server and for transmitting program selections and preferences as well as usage data in the file to the server. As indicate at 215, a session usage log is recorded during the playback session to identify every segment actually played, the volume and speed at which that segment was played, and start and end times as taught by Logan in the method Terreta to introduce more efficient transmission of multimedia data packets.

3. As per claim 2 Terreta-Logan disclosed wherein said downloading speed is greater than said playing speed; said multimedia IP-data delivery system has an IP-port controlling means which disconnects said downloading unit from said IP ports once said downloading unit completes downloading all of said media files requested by said client either when said playing

Art Unit: 2141

unit is playing or not playing one of said media files stored in said media data cache (Logan, col. 5, lines 20-49).

4. As per claim 3 Terreta-Logan disclosed wherein said IP-port controlling means is an IP-port connection control unit connected to said client (Logan, col. 8, lines 56-63).

5. As per claim 4 Terreta-Logan disclosed wherein said IP-port controlling means is an IP-port connected to said IP ports (Logan, col. 8, lines 56-63).

6. As per claim 5 Terreta-Logan disclosed wherein said multimedia IP-data delivery system has a scheduling means scheduling means scheduling playing downloading each of said media files independently (Terreta, Page. 8, Paragraph. 0072).

7. As per claim 6 Terreta-Logan disclosed wherein said downloading speed is less than said playing speed; said multimedia IP-data delivery system has a scheduling means which delays playing said media files until said media are completely downloaded and stored in said media data cache (Terreta, Page. 6, Paragraph. 0057).

8. As per claim 7 Terreta-Logan disclosed wherein said downloading speed is less than said playing speed; said multimedia IP-data delivery system has a scheduling means which delays

Art Unit: 2141

playing said media files until the amount of data of said media file in said media data cache is determined to be sufficient enough so that the difference between said playing speed of said media files and said downloading speed does not cause drain of the data of said media file in said media data cache during the whole course of playing said media file (Logan, col. 13, lines 25-55).

9. As per claim 8 Terreta-Logan disclosed wherein each of said clients comprises a software program implementing a process comprising the steps of: (8-1) starting said software program and then proceeding to step 8-2, (8-2) comparing said downloading speed to said playing speed, and proceeding to step 8-3 and step 8-7, if said downloading speed is greater than said playing speed, and proceeding to step 8-12 if said downloading speed is less than said playing speed, (8-3) checking whether a new play has been scheduled (Logan, col. 22, lines 15-44), and proceeding to step 8-5 if a new play has been scheduled, or proceeding to step 8-4 if no new play is scheduled, (8-4) going back to step 8-3 after a delay of a predetermined number of seconds, (8-5) starting play of one of said media files scheduled by said scheduling unit, and proceeding to step 8-6. (8-6) checking if said play is completed, and continuing said play if said play is not completed, and going back to step 8-3 if said play is completed, (8-7) starting download of said media files at a maximum available speed, and proceeding to step 8-8, (8-8) checking if said download has been completed, and proceeding to step 8-9 if said download is completed (Logan, col. 23, lines 40-56), and continuing said download if said download is not completed, (8-9) checking if a new-download is scheduled, and going back to step 8-7 if said new-download is scheduled, and proceeding to step 8-10 if said new-downloaded is not scheduled, (8-10)

Art Unit: 2141

releasing connection between said client and said IP ports, and proceeding to step 8-11, (8-11) delaying for a predetermined number of seconds and going back to step 8-9 to check a new-downloaded schedule, (8-12) starting narrowband download of said media files at a maximum available speed and proceeding to step 8-13, (8-13) proceeding to step 8-14 and step 8-15 if said narrowband download is completed, or continuing downloading if said narrowband is not completed, (8-14) starting a new download and proceeding to step 2-12, (8-15) caching and making download one of said media files available for playing (Logan, col. 5, lines 20-49).

Conclusion

10. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (703)-305-4633.

11. The examiner can normally be reached on Monday to Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dharia Rupal can be reached on (703)-305-4003. The fax for this group is (703)-746-7239.

Art Unit: 2141

12. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label

“PROPOSED” or “DRAFT”);

(703)-746-7239 (For Official Communications Intended for entry, please mark “EXPEDITED PROCEDURE”),

(703)-746-7238 (For After Final Communications).

13. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Any response to a final action should be mailed to:

BOX AF

Commissioner of Patents and Trademarks Washington, D.C.20231


Or faxed to:

Hand-delivered responses should be brought to 4th Floor Receptionist, Crystal Park II,
2021 Crystal Drive, Arlington, VA 22202.

AM

Adnan Mirza

Examiner


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER